REMARKS

In the outstanding Office Action, the Examiner rejected claims 85 and 88 under 35 U.S.C. § 103(a) as being unpatentable over Wollrath et al. ("Simple Activation for Distributed Objects") in view of Hare et al. (EP 0733970 A1) and rejected claims 70-84, 86, 87, and 89-102 under 35 U.S.C. § 103(a) as being unpatentable over Wollrath et al. in view of Hare et al., and further in view of Ruehle et al. (U.S. Patent No. 6,553,428).

By this amendment, Applicant amends claims 70 and 91 and adds new claims 103-106. Claims 70-106 are pending in this application.

Claims 85 and 88

Applicants respectfully traverse the rejection of claims 85 and 88 under 35 U.S.C. § 103(b) as unpatentable over Wollrath et al. in view of Hare et al. because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *See* M.P.E.P. § 2143.01 (8th Ed., Aug. 2001), quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. *See* M.P.E.P. § 2143 (8th Ed. 2001), pp. 2100-122 to 127.

-14-

Wollrath et al. discloses an activation protocol for distributed object systems. Wollrath et al. describes three activation models: eager activation (a strategy that maintains as an invariant that each reference within an active object also refers to an active object); lazy activation (defers activation of an object to the time at which an operation is invoked on that object); and split activation (combines aspects of both eager and lazy activation). Wollrath et al. further discloses aggregate objects, which have an identity spanning multiple objects but which function as a single cohesive unit. In particular, all objects which share the unique identifier are considered part of the same aggregate object and if the aggregate for a particular object identifier is "activatable," then all objects which make up the aggregate are activated.

The Examiner asserts that Wollrath et al. teaches all of the recitations of claim 85 except creating a first object group prior to activation. In an attempt to address these shortcomings, the Examiner asserts that Hare et al. teaches "creating an object group before activating it (open two object[s] sharing the same state)." See Office Action, page 2, line 21. Applicants respectfully disagree with the Examiner.

Contrary to the Examiner's assertions, the groups and objects (e.g., element 84 in Fig. 4) are not created when it is determined that an object group is not active. Instead, the objects and groups discussed in Hare et al. are already present in the system and are listed in an active group table or co-activation table, meaning they are active or are not listed in these tables. See Hare et al., col. 11, line 56 to col. 12 line 52 and col. 16, lines 1-54. Accordingly, although Hare et al. allows co-activation of objects, the objects and groups associated with these objects are already created and require activation by performing specific types of activation processes.

-15-

Further, there is no motivation for combining <u>Wollrath et al.</u> and <u>Hare et al.</u> The Examiner asserts that using the groups taught by <u>Hare et al.</u> in the activation system of <u>Wollrath et al.</u> would reduce "redundancy and unnecessary overhead." See Office Action, page 3, line 2. Applicants disagree. Nothing in <u>Wollrath et al.</u> or <u>Hare et al.</u>, suggests creating object groups when not active, as asserted by the Examiner. Instead, the advantages of sharing resources for reducing overhead, as mentioned by <u>Hare et al.</u>, have nothing to do with activating objects as disclosed by <u>Wollrath et al.</u>

Therefore, because the rejection of claim 85 under 35 U.S.C. § 103(a) is unsupported by <u>Wollrath et al.</u> and <u>Hare et al.</u>, alone or in combination, the Examiner failed to make a *prima facie* case of obviousness. Accordingly, the rejection of this claim should be withdrawn and the claim allowed.

Claim 88 depends from claim 85. As explained, claim 85 is distinguishable from <u>Wollrath et al.</u> and <u>Hare et al.</u> Accordingly, claim 88 is also distinguishable from these references for at least the same reasons set forth in connection with claim 85. Further, these references fail to teach or suggest determining whether a second object group corresponding to a second object group is active, and if not, creating a second object group and activating the second object within the created second object group, as asserted by the Examiner. As mentioned above, the objects and groups disclosed by <u>Hare et al.</u> are already created and are activated through activation tables.

Therefore, because the rejection of claim 88 under 35 U.S.C. § 103(a) is unsupported by <u>Wollrath et al.</u> and <u>Hare et al.</u>, alone or in combination, the Examiner failed to make a *prima facie* case of obviousness. Accordingly, the rejection of this claim should be withdrawn and the claim allowed.

Claims 70-84, 86, 87, and 89-102

In the Office Action, the Examiner rejected claims 70-84, 86, 87, and 89-102 under 35 U.S.C. § 103(a) as being unpatentable over Wollrath et al. in view of Hare et al., in further view of Ruehle et al. Applicants respectfully traverse the rejection of these claims because the Examiner has not established a *prima facie* case of obviousness, as the references do not support the asserted rejections.

In rejecting claim 70, the Examiner admits that Wollrath et al. does not teach "creating a virtual machine on which the activation entity/activator and the first object group execute." See Office Action, page 3, lines 15-17. The Examiner attempts to address these shortcomings by asserting that Ruehle et el. teaches creating a "virtual machine on which an activation entity (process object) and the first object group (objects) execute." See Office Action, page 3, lines 18-20. Applicants disagree with the Examiner.

Ruehle et el. does not teach creating a first activation entity for managing the first group of objects, as recited in claim 70. The process objects taught by Ruehle et el. and recited by the Examiner are objects used to perform a particular process, such as performing print operations. See Ruehle et el., col. 8, line 66 to col. 9, line 33. These objects are not activation entities and do not manage a first group of objects, as asserted by the Examiner.

Furthermore, Wollrath et al., Hare et al., and Ruehle et al., alone or in combination, do not teach or suggest creating a first virtual machine when it is determined that the first virtual machine associated with the first group of objects do not exist. Instead, Ruehle et el. includes a virtual machine 14 that automatically creates

virtual machines 72, 72A based on client connections to machine 14. See <u>Ruehle et el.</u>,

Fig. 11, step 113. Therefore, <u>Ruehle et al.</u> cannot be used to support the rejection of

claim 70.

Moreover, there is no motivation to combine <u>Wollrath et al.</u>, <u>Hare et al.</u>, and

<u>Ruehle et al.</u> as suggested by the Examiner. <u>Ruehle et al.</u> is directed to systems that

facilitates the transfer of data, rather than objects over a communication socket, and not

activating processes as disclosed by <u>Wollrath et al.</u> Indeed, none of the references

teach or suggest implementing activation processes that create virtual machines where

an activation entity and first object group may execute, as asserted by the Examiner.

Instead, the Examiner cites statements from <u>Ruehle et al.</u> that have no relationship with

the type of combination proposed by the Examiner (i.e., "maintaining compatibility to

pre-existing non-Java based server systems.").

Therefore, because the rejection of claim 70 under 35 U.S.C. § 103(a) is

unsupported by <u>Wollrath et al.</u>, <u>Hare et al.</u>, and <u>Ruehle et al.</u>, alone or in combination,

the Examiner failed to make a *prima facie* case of obviousness. Accordingly, the

rejection of this claim should be withdrawn and the claim allowed.

Claims 71-84 depend from claim 70. As explained, claim 70 is distinguishable

from <u>Wollrath et al.</u>, <u>Hare et al.</u>, and <u>Ruehle et al.</u> Accordingly, claims 71-84 are also

distinguishable from these references for at least the same reasons in connection with

claim 70. Further, the references fail to teach or suggest the recitations of these claims.

For example, <u>Wollrath et al.</u> teaches an activator but does not disclose or suggest an

activation entity as asserted by the Examiner. See Office Action, page 4, paragraph 4.

Further, Hare et al. and Ruehle et al. fail to make up for the shortcomings of Wollrath et al.

Therefore, the references do not support the rejection of claims 71-84 and Applicants request the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 91 and 103-106 include recitations similar to claim 70. As explained, claim 70 is distinguishable from Wollrath et al., Hare et al., and Ruehle et al. Accordingly, claims 90 and 103-106 is also distinguishable from these references for at least the same reasons set forth in claim 70. Moreover, claims 92-102 depend from claim 91, and as explained, claim 91 is distinguishable from Wollrath et al., Hare et al., and Ruehle et al. Accordingly, claims 92-102 are also distinguishable from these references for at least the same reasons as set forth for claim 91.

Therefore, the references do not support the rejection of claims 91-102 under 35 U.S.C. § 103(a), as asserted by the Examiner. Accordingly, because the Examiner has not established a *prima facie* case of obviousness, Applicants respectfully request that the rejection of claims 92-106 be withdrawn and the claims allowed.

Further regarding claims 77-84, 101, and 102, it appears the Examiner is taking Official Notice that the recitations of these claims are inherent or well known in the art. In this case, Applicants respectfully request that the Examiner provide documentary evidence and/or reasons to support this Official Notice to allow Applicants to challenge the assertion in their next communication to the Examiner.

Conclusion

In view of the foregoing remarks, Applicants request the Examiner's reconsideration and reexamination of the application, and the timely allowance of pending claims 70-106.
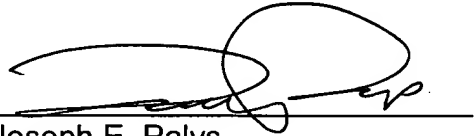
Please grant any extension of time required to enter this response and charge any additional fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: January 9, 2004   By:_____

            Joseph E. Palys
            Reg. No. 46,508